

CATHOLIC CHARITIES OF THE :
ARCHDIOCESE OF PHILADELPHIA, et :
al., :

V.

No. 14-cv-3096-RB

SYLVIA M. BURWELL, in her official :
capacity as Secretary of the Department of :
Health and Human Services, et al., :

JOINT STIPULATION

1. This matter involves eighteen Plaintiffs. Per Fed. R. Civ. P. 41(a)(1)(A)(ii), the claims of the following six Plaintiffs should be voluntarily dismissed without prejudice:

(1) St. Monica Manor; (2) St. John Neumann Nursing Home; (3) Immaculate Mary Home; (4) St. Francis Country House; (5) St. Mary Manor; and (6) St. Martha Nursing Home. Beyond these six Plaintiffs, all other Plaintiffs wish to continue pursuit of their claims before this Court.

2. The parties also respectfully request that the caption of the action be amended to reflect the remaining Plaintiffs.

3. The claims in this matter are similar to those presently before the Third Circuit Court of Appeals in the matter captioned *Zubick et al. v. Burwell et al.*, Nos. 13-3536, 14-1374, 14-1376, 14-1377. The *Zubick* matter has been argued and is under consideration by the Third Circuit. The parties in this matter jointly agree that resolution of the *Zubick* appeal is very likely to have significant effects on the issues before this Court, and therefore, Plaintiffs and

Defendants jointly agree that a stay of this matter pending the decision in *Zubick* is in the best interests of all parties.

<p>Respectfully submitted,</p> <p><u>/s/ Frank R. Emmerich Jr.</u> Nicholas M. Centrella, Esq. (No. 67666) Frank R. Emmerich Jr., Esq. (No. 76109) CONRAD O'BRIEN PC Centre Square, West Tower 1500 Market Street, Ste. 3900 Philadelphia, PA 19102-1921 Ph: (215) 864-9600 Fax: (215) 864-9620 Email: ncentrella@conradobrien.com femmerich@conradobrien.com</p> <p>Joshua J. Voss, Esq. (No. 306853) CONRAD O'BRIEN PC The Payne Shoemaker Building 240 North Third Street, 5th Floor Harrisburg, PA 17101 Ph: (717) 943-1211 Fax: (215) 864-7401 Email: jvoss@conradobrien.com</p> <p><i>Attorneys for Plaintiffs</i></p> <p>Dated: January 16, 2015</p>	<p>STUART F. DELERY Assistant Attorney General</p> <p>ZANE DAVID MEMEGER United States Attorney</p> <p>JENNIFER RICKETTS Director</p> <p>SHEILA M. LIEBER Deputy Director</p> <p><u>/s/ Adam Grogg</u> ADAM GROGG (N.Y. Bar) Trial Attorney U.S. Department of Justice Civil Division, Federal Programs Branch 20 Massachusetts Ave. NW Washington, DC 20001 phone: (202) 514-2395 fax: (202) 616-8470 email: adam.a.grogg@usdoj.gov</p> <p><i>Counsel for Defendants</i></p>
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**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA**

CATHOLIC CHARITIES OF THE ARCHDIOCESE OF :
PHILADELPHIA; ST. JOHN'S ORPHAN ASYLUM; :
ST. EDMOND'S HOME FOR CRIPPLED CHILDREN; :
DON GUANELLA VILLAGE OF THE :
ARCHDIOCESE OF PHILADELPHIA; DIVINE :
PROVIDENCE VILLAGE; THE PHILADELPHIA :
PROTECTORY FOR BOYS; CATHOLIC :
COMMUNITY SERVICES, INC.; NUTRITIONAL :
DEVELOPMENT SERVICES, INC.; CATHOLIC :
HEALTH CARE SERVICES – SUPPORTIVE :
INDEPENDENT LIVING; ST. JOHN VIANNEY :
CENTER; CATHOLIC CLINICAL CONSULTANTS; :
and the ROMAN CATHOLIC ARCHDIOCESE OF :
PHILADELPHIA, :

No. 14-cv-3096-RB

Plaintiffs,

v.

SYLVIA M. BURWELL, in her official capacity as :
Secretary of the Department of Health and Human :
Services; UNITED STATES DEPARTMENT OF :
HEALTH AND HUMAN SERVICES; THOMAS E. :
PEREZ, in his official capacity as the Secretary of the :
United States Department of Labor; UNITED STATES :
DEPARTMENT OF LABOR; JACOB J. LEW, in his :
official capacity as Secretary of the United States :
Department of the Treasury; and THE UNITED :
STATES DEPARTMENT OF THE TREASURY, :

Defendants.

ORDER

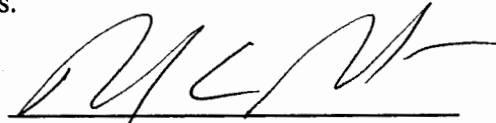
In consideration of the Joint Stipulation submitted by Plaintiffs and Defendants, it is hereby ORDERED that the claims of St. Monica Manor, St. John Neumann Nursing Home, Immaculate Mary Home, St. Francis Country House, St. Mary Manor, and St. Martha Nursing Home are hereby DISMISSED WITHOUT PREJUDICE.

It is further ORDERED that the above-named parties shall be TERMINATED as parties to this matter and the caption shall be amended to appear as set forth in this Order.

It is further ORDERED that this matter shall be STAYED pending the decision in *Zubick et al. v. Burwell et al.*, Nos. 13-3536, 14-1374, 14-1376, 14-1377 (3d Cir.). Within 30 days of the decision in *Zubick*, Plaintiffs shall provide the Court with a copy of the opinion and shall advise the Court of whether Plaintiffs wish to continue their claims.

Date:

1/21/15



Ronald L. Buckwalter, U.S.D.J.

CERTIFICATE OF SERVICE

I, Frank R. Emmerich Jr., hereby certify that I caused a copy of the Joint Stipulation to be served on the following via electronic service:

Adam Grogg, Esq.
Michelle R. Bennett, Esq.
U.S. Department of Justice
Civil Division, Federal Programs Branch
20 Massachusetts Ave. NW
Washington, DC 20001

Attorneys for Defendants

Date: January 16, 2015

/s/ Frank R. Emmerich Jr.